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No. 171

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 33 LGN 65, dated Bangalore, 23rd September 1965.

Ordered that the Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965, promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India, be published as Mysore Ordinance No. 2 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ORDINANCE No. 2 OF 1965

THE MYSORE STATE CIVIL SERVICES CLASS III POSTS RECRUITMENT (VALIDATION) ORDINANCE, 1965.

(*Promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India and first published in the* Mysore Gazette *on the Twenty-fourth day of September 1965.*)

An Ordinance to provide for the validation of certain recruitments to the Mysore State Civil Services Class III Posts.

WHEREAS in certain judicial proceedings it has been held that recruitments to Class III posts in the Mysore State Civil Services made by the State Level Recruitment Committees are invalid due to some defect in the constitution of the said Committees and the non-compliance with certain rules in making the selections by such Committees;

AND WHEREAS in certain judicial proceedings it has been held that recruitments to Class III posts in the Mysore State Civil Services made before December 1962, by a Divisional Level Recruitment Committee are illegal on the ground that the rules made by the Governor had no retrospective effect and certain other recruitments made by the Divisional Recruitment Committees have been questioned in other judicial proceedings;

AND WHEREAS recruitments have been made by the State Level Recruitment Committees and Divisional Level Recruitment Committees from the year 1961, and a large number of persons have been appointed in the State Government service in pursuance of such recruitments, and the discharge of persons selected by the said Committees who have been appointed as Government servants and the taking of action for making fresh recruitments to all these posts will entail huge expenditure and will cause considerable difficulty in the administration of several Departments;

AND WHEREAS it is necessary to take immediate steps to provide for the validation of the selections made by the State Level Recruitment Committees and Divisional Level Recruitment Committees and appointments made in pursuance of such selections ;

AND WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Governor of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes aforesaid ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the following Ordinance :—

1. Short title and commencement .— (1) This Ordinance may be called the Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965.

(2) It shall come into force at once.

2. Validation of the constitution of and selections by the State Level Recruitment Committees and the Divisional Level Recruitment Committees .— (1) Notwithstanding anything contained in the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962 or any other rules made under Article 309 of the Constitution or any law or in any judgment, decree or order of any Court,—

(*a*) the body of persons who functioned as a State Level (Ministerial Posts) Recruitment Committee, or a State Level (Non-Ministerial Posts) Recruitment Committee, or a Divisional Level Recruitment Committee, shall be deemed for all purposes to have been the Recruitment Committee duly constituted in accordance with law ;

(*b*) the persons who sat or otherwise took part in the proceedings of any of the said Committees shall be deemed to have been entitled so to do as members of such Committee;

(*c*) every person who functioned as Chairman of any of the said Committees shall be deemed to have been the duly appointed Chairman of such Committee;

(*d*) every person who functioned as the Secretary of any such Committee shall be deemed to have validly functioned on behalf of the Committee in calling for applications of candidates, making communications to the candidates and others on behalf of the Committee, authenticating or notifying the names of candidates selected by the Committee and in respect of all other matters relating to the functions of such Committee;

(*e*) the selection made by any of the said Committees to any class or category of posts and the lists of names of candidates so selected and authenticated or notified by the Secretary of such Committee shall be and shall always be deemed to have been validly made, authenticated or notified, as the case may be;

(*f*) the appointments made of the candidates selected by any of the said Committees to any class or category of posts shall be and shall always be deemed to have been validly made.

(2) Notwithstanding any judgment, decree or order of any Court, the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, shall be deemed to have validly come into force on the 23rd October 1961, and accordingly anything done or any action taken (including selections and appointments of candidates made) on or after the said date under the said rules shall, subject to the provisions of sub-section (1), be and shall always be deemed to have been validly done or taken in accordance with law.

(3) Any order of a court declaring the appointment of any persons made in pursuance of selection to any class or category of posts by any Committee referred to in sub-section (1) to be invalid on account of any defect in the constitution of such Committee or on the ground that any rule relating to the selection of the candidates was not complied with, or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect, shall be deemed to be and always to have been of no legal effect whatsoever and the selections and appointments made are hereby validated.

3. Court not to question validity of recruitments made on the ground of defect in the constitutions, etc.—No court shall question any selection made or any resolution, proceeding or thing adopted, taken or done by any Committee referred to in sub-section (1) of section 2, or any appointment made by any authority in pursuance of such selection, merely on the ground that the said Committee had not been duly constituted or on the ground that any rule relating to the selection of the candidates was not complied with or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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